



MEMORANDUM

To: Watershed Engineering Manager, Kevin Shunk

From: Chief Equity Officer, Brion Oaks

Date: November 13, 2019

Subject: Atlas 14 Equity Analysis Summary

Background:

The City of Austin's Watershed Protection Department is proposing regulatory floodplain changes due to updated analyses of historic rainfall data, known as Atlas 14. These changes are intended to codify the department's current understanding of flood risk in Austin. The Equity Office met with Watershed staff on October 14, 2019 to discuss the ordinance in relation to equity.

The primary components of the ordinance discussed were Regulatory Floodplain Expansion, Redevelopment Exemption, and Mitigation for the Redevelopment Exemption. Summaries of these components and the Equity Office perspective regarding them are provided below.

1) Regulatory Floodplain Expansion

Currently, Watershed staff are developing floodplain models with the Atlas 14 rainfall data. Until the model updates are complete, this ordinance will expand the regulatory floodplain by adopting the existing 500-year and 100-year floodplain models as the new 100-year and 25-year models, respectively.

Equity Office response: Positive. The Equity Office views this section of the ordinance as critical and necessary to prevent new development in areas now understood to be already at risk for flooding. This regulatory adoption will have a positive impact towards equitable outcomes in communities of color and low-income communities. The protective effects will be in part due to the local nexus of affordability and geographic trends of current development. As central Austin becomes increasingly less affordable, new development has pushed east. Here, the land tends to be flatter and causes floodplains to be broader than in Central and West Austin. Limiting major development in these larger flood-prone areas is beneficial for the long-term resiliency of these communities and protects the largest investment many families make.

II) Redevelopment Exception

The ordinance will create a new avenue for redevelopment of existing residential structures in floodplains if certain safety conditions are met.

Equity Office response: Displacement concerns. This new allowance for redevelopment in the floodplain will reduce the number of structures vulnerable to flooding. However, the Redevelopment Exception may have unintended and negative consequences to permanency in communities of color and low-income communities.

The funds required to afford home elevation tend to be more available to, and therefore are expected to be more likely utilized by, the development community than current residents, especially those in communities of color and low-income communities. Additionally, Watershed staff presented preliminary data that visually indicated larger clusters of homes in Eastern floodplains that would suggest the potential for larger scale neighborhood change. The concern is that larger areas of contiguous homes available for redevelopment in communities with less means for self-funding home elevation would accelerate displacement in already stressed neighborhoods.

The Equity Office is also concerned about the impact to market rate multi-family units. Preliminary numbers from Watershed indicate a large number of non-single family structures in floodplains. If a large portion of these are affordable multi-family, it would be prudent to protect against redevelopment and loss of these units. The Equity Office recommends that Watershed coordinate with Neighborhood Housing to evaluate opportunity for City investment to protect these units while increasing the flood protection of the structures.

A third concern is the potential for predatory practices towards owners of homes in the floodplain. While Watershed has made a substantial effort to provide information about Atlas 14, the Equity Office is concerned about communities of color and low-income communities having to navigate through misinformation about rights, value, and flood risks.

III) Mitigation Analysis

Watershed is creating a new program that assists property owners in floodplains with home elevation. This assistance program will have an equity-based framework and Watershed is committed to its funding. The development of the program is in initial phases and does not yet have a timeframe for implementation.

Equity Office response: Mixed.

Approval of the Redevelopment Exception without a home elevation program designed to mitigate unintended consequences presents a vulnerability. Ideally, the Equity Office would want the redevelopment exception to go forward concurrently with the home elevation program. The negative impacts that may occur in the gap between the effective date of the redevelopment exception and the implementation of the home elevation program are unknown.

As a compromise, the Equity Office recommends that staff develop a home elevation program specifically created with an equity framework and given a time certain deadline for implementation. The

Equity Office also recommends a notification strategy to people likely to benefit from an equity-based home elevation program.

The Equity Office is committed to offering support in understanding equity impacts in floodplain risk. Please contact Brion Oaks, with questions at 512-974-7979 or Brion.Oaks@austintexas.gov.

cc: Deputy City Manager and Assistant City Managers